IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 541 of 2004

In

Suit No.1284 of 2002

Balli Klockner GmbH ..Plaintiff

V/s

Interdril (Asia) ltd..Defendant

Kevic Setalwad i/b Amarchand and Mangaldas abd Suresh A. Shroff and co. for plaintiff

ShriB.B.Saraf i/b Nankani & Associates for Defendant

CORAM:S.U.KAMDAR,J.

DATED: 8th February 2005

P.C.:-

. The present Chamber Summons is taken out for amendment of the plaint as set out in schedule thereto.

. The learned Counsel for the defendant vehemently oppose the Chamber Summons and he points out that in the order passed by this Court on 3-12-2003 in Summons for Judgment No.753/2002 it was provided that fresh Summons for Judgment

should be taken out after the necessary amendment is carried out in the plaint. However, the plaintiff has taken out the summons for judgment before carrying out necessary amendment.

. The learned Counsel appearing for the plaintiff seeks leave to withdraw the said Summons for Judgment No.366 of 2004. Leave granted, Summons for Judgment dismissed as withdrawn.

. In the circumstances present Chamber Summons is made absolute in terms of prayer clause (a). The plaintiff will be at liberty to take out fresh Summons for Judgment in pursuance of the order dated 3-12-2003.

(S.U.KAMDAR,J.)